

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

JIM HARRIS, JR., et al.,

Plaintiffs.

v.

LAW OFFICE OF KEVIN J. DOLLEY,
et al.,

Defendants.

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No. 1:18-CV-59-ACL

MEMORANDUM AND ORDER

This closed case is before the Court on pro se plaintiff Jim Harris, Jr.’s motion to disqualify the Honorable Stephen N. Limbaugh, Jr. from this action. For the following reasons, plaintiff’s motion will be denied.

Title 28 U.S.C. § 455 governs the disqualification of judges. Section 455 provides for judicial disqualification where a judge’s impartiality might reasonably be questioned or he has a personal bias or prejudice. *See United States v. Faul*, 748 F.2d 1204, 1210-11 (8th Cir. 1984). In his motion, plaintiff asserts that because the undersigned Judge has presided over plaintiff’s claims in the past, “there is a factual basis for the ‘average person on the street’ to doubt the impartiality of the judge.” (ECF No. 10 at 4). Plaintiff disagrees with rulings this Judge has made in plaintiff’s past cases, and disagrees with rulings this Judge has made in this case, and therefore seeks disqualification. (*Id.*)

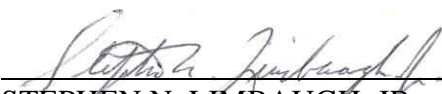
Plaintiff’s allegations are insufficient as a basis for reasonably questioning the impartiality of the undersigned Judge under 28 U.S.C. § 455(a). Plaintiff points to no evidence of bias other than rulings the district court has made in plaintiff’s cases. The judicial rulings plaintiff disagrees with are not a valid basis for a bias or partiality motion. *See Liteky v. United*

States, 510 U.S. 540, 555 (1994). For these reasons, the Court will deny plaintiff's motion for judicial disqualification.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to disqualify the undersigned Judge is **DENIED**. [ECF No. 10]

Dated this 5th day of October, 2018.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE